

LOCAL BANKRUPTCY RULE 3007-1

OBJECTIONS TO CLAIMS

(a) OBJECTIONS

- (1) Objections to claims are “contested matters” under F.R.B.P. 9014 and must comply with the requirements of Local Bankruptcy Rule 9013-1(a)-(f).
- (2) A claim objection shall be served on the claimant at the address disclosed by the claimant in its proof of claim and at such other addresses and upon such parties as may be required by F.R.B.P. 7004 and other applicable rules.
- (3) If a claim objection is joined with a demand for relief of a kind specified in F.R.B.P. 7001, it becomes an adversary proceeding subject to Local Bankruptcy Rule 7004-1, *et. seq.*

(b) HEARINGS

- (1) A claim objection must be set for hearing on notice of not less than 30 days.
- (2) The court, in its discretion, may treat the initial hearing as a status conference if it determines that the claim objection involves disputed fact issues or will require substantial time for presentation of evidence or argument.

(ac) EVIDENCE REQUIRED

- (1) Objections must be supported by admissible evidence **sufficient to overcome the presumption of validity imposed by F.R.B.P. 3001(f).**
- (2) (A) Claims Must Be Attached. Authenticated copies of claims objected to shall be attached.

- (B) Declaration Required. The objector's authenticating declaration shall state that each copy of a claim attached is a true and complete copy of the claim on file with the court, or, if applicable, of the informal claim to which objection is made.
 - (C) Attachments Required. Each copy of a claim shall be complete, with all attachments.
 - (D) Unavailable Proofs of Claim. If the complete proof of claim is not readily available from the court file, the objector may formally request a copy from the holder of the claim by serving the creditor with a Notice of Request for Copy of Claim. All such requests shall advise the holder of the claim that failure to supply a complete copy of the proof of claim, including all attached documentation, within 30 days of the notice may constitute grounds for objection to the claim based on inadequate documentation. If an objection is filed on this basis, it shall be accompanied by a declaration providing evidence that the proof of claim was not readily available from the court file, or otherwise.
- (3) Late Claims. If objections are asserted that claims were filed after the bar date, the objection shall include the following:
- (A) The bar date order, if any;
 - (B) A conformed copy of the notice of bar date; and
 - (C) Proof of service of the notice of bar date.

(b d) MULTIPLE OBJECTIONS ON A SINGLE CALENDAR

- (1) Objections shall be grouped by type. For example:
- (A) Duplicate claims (NOTE: Complete copies of both claims must be attached);
 - (B) Claims filed after bar date;
 - (C) Claims based on a writing, where no writing is attached to the claims;
 - (D) Claims asserting a security interest, where no evidence of perfection is attached to the claims; or

- (E) Claims based on writing, where the documents attached to the claims are insufficient to establish prima facie evidence of the existence of the claim.
- (2) (A) If more than 10 objections in a case are noticed for hearing on a single calendar, the objector shall prepare and furnish to the appropriate courtroom deputy (i) a non-returnable, computer-readable 3.5-inch diskette containing a calendar sheet for the hearing, and (ii) a printed version of the calendar sheet.
 - (B) The diskette shall comply with the specifications promulgated by the clerk, which shall be set forth in the then-current *Desk Reference Manual* (which can be found on the Court's web site). The printed version of the calendar sheet also shall conform to the official local form as promulgated by the clerk's office and as set forth in the then-current *Desk Reference Manual*, and shall be submitted concurrently with the diskette at the time of the filing of the objection.
- (3) The calendar sheet shall be organized by type of objection and shall specify for each claim, in claim number sequence,
 - (A) The claims docket number;
 - (B) The claimant's name;
 - (C) The amount of the claim;
 - (D) The basis for the objection; and
 - (E) The objector's requested ruling, as appropriate, such as, "allow claim in the sum of \$_____ only," or "allow claim only as a general, non-priority, unsecured claim."
- (4) Calendar numbers shall correspond to claims docket numbers. DO NOT CREATE A NEW, UNNECESSARY SET OF NUMBERS FOR CALENDAR IDENTIFICATION PURPOSES.
- (5) Tabs. Documents supporting each objection shall be tabbed by claim docket number.

Court's Comment**2003 Revision**

A new paragraph (a) was added to clarify that objections to claims are contested matters subject to the requirements for motions under Local Bankruptcy Rule 9013-1(a)-(f). A new paragraph (b) was added to define notice requirements for hearings on claims objections and to allow a hearing to become a status conference, if necessary. Evidentiary support required for an objection was clarified in paragraph (c)(1).

2001 Revision

This Rule has been revised to clarify the court's requirements for objections to claims filed pursuant to F.R.B.P. 3007 and to provide guidance to parties who wish to set 10 or more objections to claims in a case for hearing on a single date. The revisions emphasize (1) the need for supporting evidence; (2) the type of evidence required; (3) the requirement for organization of the objections by type of objection; (4) calendaring procedures; and (5) the necessity for tabbing exhibits to correspond to claim docket numbers.

1998 Revision

Former Rule 111(15)(a), (b), (c).

Paragraph (a) EVIDENCE REQUIRED. *And shall be accompanied by a copy of the proof of claim objected to, with all attachments* added to the end of the first sentence. *All copies of proofs of claim shall be authenticated by declaration* added as a new second sentence. Deleted *and the file-stamped first page of the proof of claim showing the date of filing* as redundant. Deleted *For objections to claims based on claimant's alleged failure to submit necessary documentation of the claim, a copy of the entire proof of claim with all attachments is required, and shall be authenticated by declaration* as redundant.

Paragraph (b) MULTIPLE OBJECTIONS IN SINGLE NOTICE. Rewritten for clarity.

Paragraph (c) MULTIPLE OBJECTIONS TO BE HEARD ON ONE CALENDAR. Added *organized by type of objection and in order of claim number, or alphabetical order* to the first paragraph. Amended to incorporate clerk's office procedure re: submission of objection to claims calendar on computer disk.

Paragraph (c)(3). Deleted *and*.

Paragraph (c)(4). Added *The basis for the objection* and redesignated *(If different from the total amount of the claim) the portion of the claim subject to the objection* as new (c)(5).